



House of Representatives

General Assembly

File No. 729

January Session, 2009

Substitute House Bill No. 6385

House of Representatives, April 20, 2009

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REFORM OF THE PROBATE COURT SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-2 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 5, 2011*):

3 The probate districts of the state, for all purposes for which they
4 were constituted, shall be [as follows:

5 (a) Hartford County

6 The district of Hartford, consisting of the town of Hartford.

7 The district of Avon, consisting of the town of Avon.

8 The district of Berlin, consisting of the towns of Berlin and New
9 Britain.

10 The district of Bloomfield, consisting of the town of Bloomfield.

- 11 The district of Bristol, consisting of the town of Bristol.
- 12 The district of Burlington, consisting of the town of Burlington.
- 13 The district of Canton, consisting of the town of Canton.
- 14 The district of East Hartford, consisting of the town of East
15 Hartford.
- 16 The district of East Windsor, consisting of the towns of East
17 Windsor and South Windsor.
- 18 The district of Enfield, consisting of the town of Enfield.
- 19 The district of Farmington, consisting of the town of Farmington.
- 20 The district of Glastonbury, consisting of the town of Glastonbury.
- 21 The district of Granby, consisting of the town of Granby.
- 22 The district of Manchester, consisting of the town of Manchester.
- 23 The district of Marlborough, consisting of the town of Marlborough.
- 24 The district of Newington, consisting of the towns of Newington,
25 Rocky Hill and Wethersfield.
- 26 The district of Plainville, consisting of the town of Plainville.
- 27 The district of Simsbury, consisting of the town of Simsbury.
- 28 The district of Southington, consisting of the town of Southington.
- 29 The district of Suffield-East Granby, consisting of the towns of
30 Suffield and East Granby.
- 31 The district of West Hartford, consisting of the town of West
32 Hartford.
- 33 The district of Windsor, consisting of the town of Windsor.

34 The district of Windsor Locks, consisting of the town of Windsor
35 Locks.

36 (b) New Haven County

37 The district of New Haven, consisting of the town of New Haven.

38 The district of Bethany, consisting of the town of Bethany.

39 The district of Branford, consisting of the town of Branford.

40 The district of Cheshire, consisting of the towns of Cheshire and
41 Prospect.

42 The district of Derby, consisting of the towns of Derby, Ansonia and
43 Seymour.

44 The district of East Haven, consisting of the town of East Haven.

45 The district of Guilford, consisting of the town of Guilford.

46 The district of Hamden, consisting of the town of Hamden.

47 The district of Madison, consisting of the town of Madison.

48 The district of Meriden, consisting of the town of Meriden.

49 The district of Milford, consisting of the town of Milford.

50 The district of Naugatuck, consisting of the towns of Naugatuck and
51 Beacon Falls.

52 The district of North Branford, consisting of the town of North
53 Branford.

54 The district of North Haven, consisting of the town of North Haven.

55 The district of Orange, consisting of the town of Orange.

56 The district of Oxford, consisting of the town of Oxford.

- 57 The district of Southbury, consisting of the town of Southbury.
- 58 The district of Wallingford, consisting of the town of Wallingford.
- 59 The district of Waterbury, consisting of the towns of Waterbury,
60 Middlebury and Wolcott.
- 61 The district of West Haven, consisting of the town of West Haven.
- 62 The district of Woodbridge, consisting of the town of Woodbridge.
- 63 (c) New London County
- 64 The district of New London, consisting of the towns of New London
65 and Waterford.
- 66 The district of Norwich, consisting of the towns of Norwich,
67 Franklin, Lisbon, Preston, Sprague and Voluntown.
- 68 The district of Bozrah, consisting of the town of Bozrah.
- 69 The district of Colchester, consisting of the towns of Colchester and
70 Lebanon.
- 71 The district of East Lyme, consisting of the town of East Lyme.
- 72 The district of Griswold, consisting of the town of Griswold.
- 73 The district of Groton, consisting of the town of Groton.
- 74 The district of Ledyard, consisting of the town of Ledyard.
- 75 The district of Lyme, consisting of the town of Lyme.
- 76 The district of Montville, consisting of the town of Montville.
- 77 The district of North Stonington, consisting of the town of North
78 Stonington.
- 79 The district of Old Lyme, consisting of the town of Old Lyme.

- 80 The district of Salem, consisting of the town of Salem.
- 81 The district of Stonington, consisting of the town of Stonington.
- 82 (d) Fairfield County
- 83 The district of Bridgeport, consisting of the town of Bridgeport.
- 84 The district of Danbury, consisting of the town of Danbury.
- 85 The district of Bethel, consisting of the town of Bethel.
- 86 The district of Brookfield, consisting of the town of Brookfield.
- 87 The district of Darien, consisting of the town of Darien.
- 88 The district of Fairfield, consisting of the town of Fairfield.
- 89 The district of Greenwich, consisting of the town of Greenwich.
- 90 The district of New Canaan, consisting of the town of New Canaan.
- 91 The district of New Fairfield, consisting of the towns of New
92 Fairfield and Sherman.
- 93 The district of Newtown, consisting of the town of Newtown.
- 94 The district of Norwalk, consisting of the towns of Norwalk and
95 Wilton.
- 96 The district of Redding, consisting of the town of Redding.
- 97 The district of Ridgefield, consisting of the town of Ridgefield.
- 98 The district of Shelton, consisting of the town of Shelton.
- 99 The district of Stamford, consisting of the town of Stamford.
- 100 The district of Stratford, consisting of the town of Stratford.
- 101 The district of Trumbull, consisting of the towns of Trumbull,
102 Easton and Monroe.

103 The district of Westport, consisting of the towns of Westport and
104 Weston.

105 (e) Windham County

106 The district of Windham, consisting of the towns of Windham and
107 Scotland.

108 The district of Ashford, consisting of the town of Ashford.

109 The district of Brooklyn, consisting of the town of Brooklyn.

110 The district of Eastford, consisting of the towns of Eastford and
111 Chaplin.

112 The district of Hampton, consisting of the town of Hampton.

113 The district of Killingly, consisting of the town of Killingly.

114 The district of Plainfield, consisting of the towns of Plainfield,
115 Canterbury and Sterling.

116 The district of Pomfret, consisting of the town of Pomfret.

117 The district of Putnam, consisting of the town of Putnam.

118 The district of Thompson, consisting of the town of Thompson.

119 The district of Woodstock, consisting of the town of Woodstock.

120 (f) Litchfield County

121 The district of Litchfield, consisting of the towns of Litchfield, Kent,
122 Morris and Warren.

123 The district of Harwinton, consisting of the town of Harwinton.

124 The district of New Milford, consisting of the towns of New Milford
125 and Bridgewater.

126 The district of the Northwest Corner, consisting of the towns of

- 127 Canaan, Cornwall, Norfolk, North Canaan, Salisbury and Sharon.
- 128 The district of Plymouth, consisting of the town of Plymouth.
- 129 The district of Roxbury, consisting of the town of Roxbury.
- 130 The district of Thomaston, consisting of the town of Thomaston.
- 131 The district of Torrington, consisting of the towns of Torrington and
132 Goshen.
- 133 The district of Washington, consisting of the town of Washington.
- 134 The district of Winchester, consisting of the towns of Winchester
135 and Colebrook.
- 136 The district of Woodbury, consisting of the towns of Woodbury,
137 Bethlehem and Watertown.
- 138 (g) Middlesex County
- 139 The district of Middletown, consisting of the towns of Middletown,
140 Cromwell, Durham and Middlefield.
- 141 The district of Clinton, consisting of the town of Clinton.
- 142 The district of Deep River, consisting of the town of Deep River.
- 143 The district of East Haddam, consisting of the town of East
144 Haddam.
- 145 The district of East Hampton, consisting of the town of East
146 Hampton.
- 147 The district of Essex, consisting of the town of Essex.
- 148 The district of Haddam, consisting of the town of Haddam.
- 149 The district of Killingworth, consisting of the town of Killingworth.
- 150 The district of Old Saybrook, consisting of the town of Old

151 Saybrook.

152 The district of Portland, consisting of the town of Portland.

153 The district of Saybrook, consisting of the town of Chester.

154 The district of Westbrook, consisting of the town of Westbrook.

155 (h) Tolland County

156 The district of Tolland, consisting of the towns of Tolland and
157 Willington.

158 The district of Andover, consisting of the towns of Andover, Bolton
159 and Columbia.

160 The district of Ellington, consisting of the towns of Ellington and
161 Vernon.

162 The district of Hebron, consisting of the town of Hebron.

163 The district of Mansfield, consisting of the towns of Coventry and
164 Mansfield.

165 The district of Stafford, consisting of the towns of Stafford, Somers
166 and Union.

167 (i) Litchfield and Hartford Counties

168 The district of New Hartford, consisting of the towns of New
169 Hartford, Barkhamsted and Hartland] of a number equal to the
170 number of state senatorial districts and each district shall be comprised
171 of the towns or parts thereof that correspond to the boundaries of a
172 state senatorial district as set forth according to law.

173 Sec. 2. Subsection (b) of section 45a-8a of the general statutes is
174 repealed and the following is substituted in lieu thereof (*Effective*
175 *January 5, 2011*):

176 (b) The Probate Court Administrator shall, within available

177 resources, establish a regional children's probate court in a [region]
178 probate district that shall consist of, [the probate districts of] or be
179 adjacent to, one or more of the following: New Haven, Branford, East
180 Haven, Hamden, Milford, North Branford, North Haven, Orange,
181 West Haven and Woodbridge. In establishing such court, the Probate
182 Court Administrator shall consult with the probate [judges] judge of
183 such [districts, each of whom] district who may participate on a
184 voluntary basis.

185 Sec. 3. Subsection (a) of section 46b-150h of the general statutes is
186 repealed and the following is substituted in lieu thereof (*Effective*
187 *January 5, 2011*):

188 (a) Notwithstanding the provisions of sections 46b-150f and 46b-
189 150g, the Probate Court Administrator shall establish, within available
190 appropriations, a pilot program in [the] a probate district that includes
191 all or part of Middletown for the purpose of exercising jurisdiction
192 over and administering youth in crisis cases arising in said district in
193 which the youths in crisis are not truants.

194 Sec. 4. (NEW) (*Effective January 5, 2011*) Notwithstanding the
195 provisions of section 45a-92 of the general statutes: (1) The salary of
196 each probate court judge shall be set by the Probate Court
197 Administrator based upon the weighted workload of each judge's
198 district, and (2) no probate court judge shall receive an annual salary of
199 less than eighty thousand dollars or more than one hundred ten
200 thousand dollars. The Probate Court Administrator shall annually
201 review the salary of each probate court judge.

202 Sec. 5. Section 45a-18 of the general statutes is repealed and the
203 following is substituted in lieu thereof (*Effective October 1, 2009*):

204 (a) There shall be a court of probate in each probate district held by
205 one judge elected by the electors residing in such district at the state
206 election in 1974, and every four years thereafter.

207 (b) Each judge of probate shall hold office for four years beginning

208 on the Wednesday after the first Monday in January next following his
209 election.

210 (c) Each judge of probate, before entering upon his duties, shall be
211 sworn and shall record his certificate of election upon the records of
212 his court of probate.

213 (d) [He] Each judge of probate shall appoint a clerk and may
214 appoint one or more assistant clerks, each of whom shall be sworn to a
215 faithful performance of his duties and shall, when required, give
216 whatever bond the judge deems necessary. Each such clerk shall
217 continue in office until he resigns, is removed or is superseded.

218 (e) Each judge of probate elected for a term that begins on or after
219 January 5, 2011, shall be a member of the bar of the state of
220 Connecticut and shall have been a member for not less than ten years.

221 Sec. 6. Section 45a-19 of the general statutes is repealed and the
222 following is substituted in lieu thereof (*Effective January 5, 2011*):

223 Each judge of probate shall be an elector [of a town] within the
224 district in which [he] the judge is elected to serve. If for any reason [he]
225 the judge ceases to be an elector [of a town] within such district, [he]
226 the judge shall thereupon cease to hold office in such district, and such
227 office shall be deemed vacant.

228 Sec. 7. Section 45a-8 of the general statutes is repealed and the
229 following is substituted in lieu thereof (*Effective January 5, 2011*):

230 (a) The town or towns comprising each probate district shall
231 provide court facilities meeting the minimum standards required by
232 this section. If a probate district consists of more than one town, the
233 expense shall be allocated to the towns in proportion to their grand
234 lists last perfected. Such court facilities shall include: (1) Office space
235 appropriate for the conduct of judicial business, including (A) a room
236 for the judge of probate sufficient in size for ordinary matters in which
237 judicial proceedings may be conducted in private, (B) a separate room
238 for the court staff, and (C) on a prearranged basis, access to a larger

239 hearing room for the conduct of unusually large court hearings; (2)
240 furniture and furnishings appropriate to a court facility; (3) use and
241 maintenance of a copying machine and the necessary supplies; (4) use
242 and maintenance of court record systems and equipment, including
243 such record books and electronic, digital, microfilming or similar
244 systems required to maintain, provide access to and produce court
245 records, and the necessary supplies for such systems, equipment and
246 records; (5) the necessary stationery, postage and other related
247 supplies in order that the court may properly carry out its duties; (6)
248 typing equipment with which to complete the necessary records; (7)
249 basic telephone service, which shall include all local calls; (8) if a court
250 is computerized, a dedicated telephone line and maintenance of the
251 computer equipment; and (9) adequate liability, fire, loss, theft and
252 replacement insurance on the furniture, furnishings, equipment, court
253 facilities and the records of the court.

254 [(b) If a town or towns comprising a probate district and the
255 responsible municipal official or officials within such probate district
256 fail to provide the court facilities required by subsection (a) of this
257 section, the Probate Court Administrator shall offer in writing to meet
258 with the judge of probate of the district and the responsible official or
259 officials to discuss such court facilities. After discussion and
260 consideration of the circumstances of the court operations, the Probate
261 Court Administrator may waive or modify the application of a
262 particular requirement of subsection (a) of this section for court
263 facilities.]

264 [(c)] (b) If suitable court facilities are not provided in accordance
265 with subsection (a) [or (b)] of this section: (1) The Probate Court
266 Administrator shall provide written notice, by first class mail, to the
267 judge of probate of the district and the chief executive officer of the
268 town in which the court is located, on or before October first of any
269 year in which suitable court facilities are not so provided. Such notice
270 shall specify the requirements of subsection (a) [or (b)] of this section
271 that are not met and shall direct the submission of a plan as required
272 by this subdivision. Not later than January first of the year following

273 the year in which such notice is provided, such chief executive officer,
274 or his or her representative, shall file with the Probate Court
275 Administrator a plan and time frame for meeting such requirements
276 and providing suitable court facilities; (2) not later than February first
277 of the year following the year in which notice is provided under
278 subdivision (1) of this [section] subsection, the Probate Court
279 Administrator shall submit a report to the joint standing committee of
280 the General Assembly having cognizance of matters relating to the
281 judiciary concerning the failure of the probate district to provide the
282 required court facilities, which report may include a recommendation
283 that the probate district be abolished as a separate district and be
284 consolidated with a contiguous district where suitable court facilities
285 can be provided; or (3) if, in the opinion of the Probate Court
286 Administrator, abolition of the district is not in the public interest and
287 judicial action is necessary to enforce the provision of suitable court
288 facilities, the Probate Court Administrator shall bring an action in the
289 Superior Court to enforce the requirements for the provision of
290 suitable court facilities.

291 [(d) Any town located in a probate district that desires to (1)
292 consolidate such probate district with one or more districts, (2) be
293 removed from such probate district to a separate district established
294 for any such town, or (3) be located in another probate district, may, by
295 resolution of its legislative body, petition the General Assembly for
296 such consolidation, separation and creation of a new probate district or
297 relocation. The Probate Court Administrator shall provide such
298 assistance in the preparation of the petition as the officials of the town
299 or towns may request. At the time of submission of a petition to the
300 General Assembly, a copy of the petition shall be sent to the judges of
301 probate in the probate districts to be affected. No probate district may
302 be consolidated with another district until the expiration of the term of
303 office of any probate judge in an affected probate district.]

304 [(e)] (c) Each judge of probate shall provide suitable records and
305 supplies, in accordance with subsection (a) of this section, for the court
306 in the judge's district. The judge of probate shall cause a complete

307 record to be made of all orders passed by such court and of all wills,
308 inventories, distributions, accounts, bonds and returns made to or
309 lodged with such court. The expense of records, microfilming or the
310 equipment to produce records, and of supplies which the judge deems
311 necessary, shall be paid, upon the order of the judge, by the town or
312 towns composing the district in proportion to their grand lists last
313 perfected.

314 [(f)] (d) When the Probate Court Administrator, by regulation,
315 requires that the courts of probate use specified forms, education
316 materials, supplies or equipment not otherwise required by this
317 section, they shall be furnished by the Probate Court Administrator
318 and the expense paid from the Probate Court Administration Fund
319 established under section 45a-82.

320 Sec. 8. Section 45a-77 of the general statutes is repealed and the
321 following is substituted in lieu thereof (*Effective January 5, 2011*):

322 (a) The Probate Court Administrator may attend to any matters that
323 the Probate Court Administrator considers necessary for the efficient
324 operation of the courts of probate and for the expeditious dispatch and
325 proper conduct of the business of such courts. The Probate Court
326 Administrator shall administer and enforce the provisions of this
327 chapter and the regulations issued under this section, and shall ensure
328 performance of the duties of judges of probate and clerks of the courts
329 of probate in accordance with the provisions of this chapter and such
330 regulations. The Probate Court Administrator may make
331 recommendations to the General Assembly for legislation for the
332 improvement of the administration of the courts of probate.

333 (b) (1) The Probate Court Administrator may issue and shall enforce
334 regulations, provided such regulations are approved in accordance
335 with subsection (c) of this section. Such regulations shall be binding on
336 all courts of probate and shall concern the following matters for the
337 administration of the probate court system: (A) Auditing, accounting,
338 statistical, billing, recording, filing and other court procedures; (B)
339 reassignment and transfer of cases; (C) training of court personnel and

340 continuing education programs for judges of probate and court
341 personnel; and (D) the enforcement of the provisions of this chapter
342 and the regulations issued pursuant to this section, including, but not
343 limited to, recovery of expenses associated with any such enforcement,
344 as permitted by such regulations.

345 (2) The Probate Court Administrator may adopt regulations, in
346 accordance with chapter 54, provided such regulations are approved in
347 accordance with subsection (c) of this section. Such regulations shall be
348 binding on all courts of probate and shall concern: (A) The availability
349 of judges; (B) court facilities, personnel and records; [(C) hours of court
350 operation;] and [(D)] (C) telephone service.

351 (c) (1) Either the Probate Court Administrator or the executive
352 committee of the Connecticut Probate Assembly may propose
353 regulations authorized under subsection (b) of this section. Any
354 regulation proposed by the Probate Court Administrator shall be
355 submitted to the executive committee of the Connecticut Probate
356 Assembly for approval. Any regulation proposed by the executive
357 committee of the Connecticut Probate Assembly shall be submitted to
358 the Probate Court Administrator for approval. If either the Probate
359 Court Administrator or the executive committee of the Connecticut
360 Probate Assembly fails to approve a proposed regulation, such
361 proposed regulation may be submitted to a panel of three Superior
362 Court judges appointed by the Chief Justice of the Supreme Court. The
363 panel of judges, after consideration of the positions of the Probate
364 Court Administrator and the executive committee of the Connecticut
365 Probate Assembly, shall either approve the proposed regulation or
366 reject the proposed regulation.

367 (2) Any proposed new regulation and any change in an existing
368 regulation issued under this section on or after July 1, 2007, shall be
369 submitted to the joint standing committee of the General Assembly
370 having cognizance of matters relating to the judiciary for approval or
371 disapproval in its entirety, provided, if more than one proposed new
372 regulation or change in an existing regulation is submitted at the same

373 time, said committee shall approve or disapprove all such proposed
374 new regulations and changes in existing regulations together in their
375 entirety. Unless disapproved by said committee within ninety days of
376 the date of such submittal, each such regulation shall become effective
377 on the date specified in such regulation, but not in any event until
378 ninety days after promulgation.

379 (d) The Probate Court Administrator shall regularly review the
380 auditing, accounting, statistical, billing, recording, filing,
381 administrative and other procedures of the courts of probate.

382 (e) The Probate Court Administrator shall, personally, or by an
383 authorized designee of the Probate Court Administrator who has been
384 admitted to the practice of law in this state for at least five years, visit
385 each court of probate at least once during each two-year period to
386 examine the records and files of such court in the presence of the judge
387 of the court or the judge's authorized designee. The Probate Court
388 Administrator shall make any additional inquiries that the Probate
389 Court Administrator considers appropriate to ascertain whether the
390 business of the court, including the charging of costs and payments to
391 the State Treasurer, has been conducted in accordance with law, rules
392 of the courts of probate, regulations issued under this section and the
393 canons of judicial ethics, and to obtain information concerning the
394 business of the courts of probate which is necessary for the Probate
395 Court Administrator to perform properly the duties of the office.

396 (f) The Probate Court Administrator shall establish and maintain a
397 budget for the probate court system, which budget shall (1) reflect all
398 costs related to the group hospitalization and medical and surgical
399 insurance plan, dental insurance plan and retirement benefits for
400 probate judges and employees, and (2) be funded solely by revenue
401 generated by the probate courts. The Probate Court Administrator
402 shall allocate the budgets for each court based upon the weighted
403 workload of the court. The Probate Court Administrator shall ensure
404 that all probate judges and employees who are offered insurance or
405 retirement benefits work a minimum of twenty hours per week.

406 Sec. 9. Section 45a-84 of the general statutes is repealed and the
407 following is substituted in lieu thereof (*Effective January 5, 2011*):

408 (a) On or before April first of each year, the Probate Court
409 Administrator shall prepare a proposed budget in accordance with
410 section 45a-77, as amended by this act, for the next succeeding fiscal
411 year beginning July first, for the appropriate expenditures of funds
412 from the Probate Court Administration Fund to carry out the statutory
413 duties of the Probate Court Administrator and the probate courts. The
414 Probate Court Administrator shall submit the proposed budget to the
415 executive committee of the Probate Assembly for review. The
416 executive committee shall return the proposed budget to the Probate
417 Court Administrator no later than May first, together with its
418 comments and recommendations concerning the proposed
419 expenditures. The Probate Court Administrator shall thereafter
420 prepare a proposed final budget, including such changes
421 recommended by the executive committee as the Probate Court
422 Administrator deems appropriate. On or before May fifteenth, the
423 Probate Court Administrator shall transmit the proposed final budget
424 to the Chief Court Administrator for approval, together with the
425 comments and recommendations of the executive committee of the
426 Probate Assembly. On or before June fifteenth of that year, the Chief
427 Court Administrator shall take such action on the budget, or any
428 portion thereof, as the Chief Court Administrator deems appropriate.
429 If the Chief Court Administrator fails to act on the proposed budget on
430 or before June fifteenth, the budget shall be deemed approved as
431 proposed.

432 (b) The Probate Court Administrator may, from time to time,
433 request authority from the Chief Court Administrator to expend
434 additional money from the Probate Court Administration Fund to
435 respond to any matter that could not have been reasonably anticipated
436 in the regular budget process. A copy of all such requests shall be sent
437 to the president judge of the Connecticut Probate Assembly. If the
438 Chief Court Administrator fails to act on the request within twenty-
439 one calendar days of receipt of the request, the request shall be deemed

440 approved.

441 (c) The Probate Court Administrator may authorize such
442 expenditures from the Probate Court Administration Fund for
443 emergency purposes as from time to time may be necessary, provided
444 the aggregate amount of such emergency expenditures for any one
445 fiscal year shall not exceed five thousand dollars. A report on each
446 such expenditure shall be sent to the Chief Court Administrator and
447 the president judge of the Connecticut Probate Assembly within ten
448 days after the expenditure is made.

449 Sec. 10. Section 45a-79c of the general statutes is repealed and the
450 following is substituted in lieu thereof (*Effective January 5, 2011*):

451 (a) A court of probate shall be open to the public for the conduct of
452 court business not less than [twenty] forty hours each week, Monday
453 through Friday, excluding holidays, on a regular schedule between the
454 hours of eight o'clock a.m. and five o'clock p.m. The judge of probate
455 of a probate district may close a court temporarily owing to inclement
456 weather, an emergency or other good cause. Such judge shall
457 immediately give notice of a temporary closing to the Probate Court
458 Administrator, together with the reason for such closing and the date
459 and time when the court will reopen.

460 (b) The Probate Court Administrator may, for good cause shown,
461 modify the requirements of this section.

462 Sec. 11. Section 45a-34 of the general statutes is repealed and the
463 following is substituted in lieu thereof (*Effective January 5, 2011*):

464 The following words and phrases as used in sections 45a-34 to 45a-
465 54, inclusive, as amended by this act, and 45a-75 except as otherwise
466 provided, shall have the following meanings:

467 (1) "Average final compensation" means, in the case of a judge of
468 probate, the average annual compensation for the three highest paid
469 years of service while serving in the probate court to which the judge
470 was elected or by citation to any other court or courts, provided, for

471 purposes of this section, the compensation for any one year shall not
472 exceed the maximum net annual income currently allowed by law,
473 and, in the case of an employee, the average annual rate of pay during
474 the employee's three highest paid years of employment;

475 (2) "Credited service" means (A) all periods during which a person
476 held the office of judge of probate and any period of service elected by
477 a judge pursuant to section 45a-36a, as amended by this act, with
478 respect to a probate district merger occurring prior to January 5, 2011,
479 or (B) any period during which a person served as an employee of any
480 probate court or (C) subject to the requirements of subsections (a) and
481 (b) of section 45a-54, a period of not more than three years for service
482 as a member of the General Assembly and military service or (D) the
483 aggregate of any periods of service provided for in subparagraphs (A),
484 (B) and (C) of this subsection;

485 (3) "Employee" means a person employed by any probate court for
486 more than four hundred thirty hours per year or a person who served
487 for more than four hundred thirty hours per year performing under
488 any contract of employment with any court of probate;

489 (4) "Fund" means the retirement fund established by section 45a-35;

490 (5) "Member" means any judge of probate or employee who is or
491 may become eligible for retirement benefits under sections 45a-34 to
492 45a-54, inclusive, as amended by this act, and 45a-75;

493 (6) "Normal retirement age" means the age of sixty-two for any
494 judge of probate or any employee;

495 (7) "Old Age and Survivors System" means the system established
496 under Title II of the Social Security Act, as amended;

497 (8) "Pay" means the salary, wages or earnings of an employee, but
498 does not include any fees or allowances for expenses;

499 (9) "Retirement Commission" means the State Retirement
500 Commission;

501 (10) "Social Security Act" means the Act of Congress, approved
502 August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the Social
503 Security Act, including regulations issued pursuant thereto, as such act
504 has been and may from time to time be amended.

505 Sec. 12. Section 45a-36a of the general statutes is repealed and the
506 following is substituted in lieu thereof (*Effective January 5, 2011*):

507 Any judge of probate in office on or after October 1, 1997, whose
508 probate district is merged with another district prior to January 5, 2011,
509 and who has not been elected to a term which begins at the time of, or
510 subsequent to, such consolidation, (1) may elect to receive four years of
511 credited service, as defined in subdivision (2) of section 45a-34, as
512 amended by this act, (2) may elect to receive a reduction of his
513 retirement age of not more than four years pursuant to subsection (a)
514 of section 45a-36 or (3) may elect any combination of subdivisions (1)
515 and (2) of this section, provided such combination shall not exceed
516 four years in total.

517 Sec. 13. Subsection (a) of section 45a-43 of the general statutes is
518 repealed and the following is substituted in lieu thereof (*Effective*
519 *January 5, 2011*):

520 (a) Except as provided in subsection (d) of this section and
521 subdivision (5) of this subsection, each married member shall, subject
522 to regulations issued by the Retirement Commission, make an election
523 in accordance with subsections (d) and (e) of this section to receive a
524 reduced retirement allowance with the provision that the reduced
525 retirement allowance, or such part which is specified by such person in
526 his notice of election, shall be continued after his death to his spouse
527 named in the election for as long as his spouse lives. The reduced
528 retirement allowance shall be in an amount which the Retirement
529 Commission determines to be the actuarial equivalent of the retirement
530 allowance that would have been payable had not the election been
531 made. A member may elect to receive his retirement allowance in
532 accordance with any of the following options: (1) A reduced amount
533 payable to the member for his lifetime with the provision that after his

534 death his spouse, if surviving, shall be entitled to receive a lifetime
 535 income equal to fifty per cent of the reduced monthly amount payable
 536 to the member; (2) a reduced amount payable to the member for his
 537 lifetime with the provision that after his death his contingent annuitant
 538 shall be entitled to receive a lifetime income equal to either fifty or one
 539 hundred per cent of the reduced amount payable to the member; (3) a
 540 reduced amount payable to the member for his lifetime with the
 541 provision that if he shall die within either a ten or twenty-year period
 542 following the date his retirement income commences, whichever is
 543 selected by the member, the reduced amount continues to his
 544 contingent annuitant for the balance of the ten or twenty-year period;
 545 (4) an amount payable to the member for his lifetime with no
 546 payments continuing after the member's death, except for a lump sum
 547 death benefit equal to the member's retirement contributions plus
 548 interest reduced by the federal tax exclusion ratio times the income
 549 payments made to the member from the fund; or (5) for [judges] any
 550 judge of probate eligible for retirement benefits under section 45a-36a,
 551 as amended by this act, an unreduced amount payable to the member
 552 for his lifetime with the provision that after his death his spouse, if
 553 surviving, shall be entitled to receive a lifetime income equal to fifty
 554 per cent of the unreduced monthly amount payable to the member. If a
 555 member who has been married for one year dies before retirement but
 556 after completion of the age and service requirements that would
 557 permit him to retire upon his own application, the retirement
 558 allowance shall be payable to his spouse commencing at his death, in
 559 accordance with regulations to be established by the Retirement
 560 Commission.

561 Sec. 14. Sections 45a-3 to 45a-6k, inclusive, of the general statutes are
 562 repealed. (*Effective January 5, 2011*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 5, 2011</i>	45a-2
Sec. 2	<i>January 5, 2011</i>	45a-8a(b)
Sec. 3	<i>January 5, 2011</i>	46b-150h(a)

Sec. 4	<i>January 5, 2011</i>	New section
Sec. 5	<i>October 1, 2009</i>	45a-18
Sec. 6	<i>January 5, 2011</i>	45a-19
Sec. 7	<i>January 5, 2011</i>	45a-8
Sec. 8	<i>January 5, 2011</i>	45a-77
Sec. 9	<i>January 5, 2011</i>	45a-84
Sec. 10	<i>January 5, 2011</i>	45a-79c
Sec. 11	<i>January 5, 2011</i>	45a-34
Sec. 12	<i>January 5, 2011</i>	45a-36a
Sec. 13	<i>January 5, 2011</i>	45a-43(a)
Sec. 14	<i>January 5, 2011</i>	Repealer section

Statement of Legislative Commissioners:

Throughout the bill, effective dates and references to dates were changed from "January 1, 2011" to "January 5, 2011" to correspond to the term of probate judges and the reorganization of probate districts in the bill.

JUD *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Probate Court	PCAF - See Below	See Below	See Below
Probate Court	Probate Judges' and Employees' Retirement Fund - See Below	See Below	See Below

Note: PCAF=Probate Court Administration Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	See Below	See Below	See Below

Explanation

The bill makes a number of significant changes to the composition and structure of the probate court system and the Probate Court Administration, effective January 5, 2011. This is estimated to result in a savings to the Probate Court Administration Fund (PCAF) of \$5.5-\$6.0 million in FY 12, and \$11.0-\$12.0 million annually thereafter. The PCAF is currently projected to experience a negative balance of \$3.9 million in FY 10, \$12.2 million in FY 11, and \$20.1 million in FY 12. Anticipated savings under the bill would not offset entirely the projected negative balances through FY 14, and it is estimated that the bill would not result in a positive balance to the fund until FY 15.

Section 1 reduces the number of probate courts in the state from 117 to 36 based on current state senatorial districts. This is estimated to result in a savings of \$11.1 million to the probate court system, including savings from clerk and assistant clerk salaries (\$6.9 million), operating expenses (\$2.0 million), and health care costs (\$2.2 million).

It is estimated that the establishment of an additional 12-15 court facilities would be necessary under the bill in order to accommodate the increase in court traffic and workload that will be experienced by the remaining districts which are not large enough to accommodate the increase in workload. This is estimated to cost \$2.0-\$3.0 million in the first year of implementation, though this cost would subsequently drop to \$1.0-\$1.5 million annually as one-time renovations are completed and only lease/rental costs remain. Under CGS 45a-8, municipalities comprising probate districts are required to provide suitable probate court facilities, and as a result these costs would be borne by municipalities within any such district. These costs would be partially offset, however, by a potential savings due to the division of costs among a wider pool of towns.

Section 4 alters probate judges' annual salary range to between \$80,000 and \$110,000 based on weighted workload (the average probate judge's annual compensation is currently approximately \$62,000). It is anticipated that due to consolidation and concentration of workload, the majority of judges will be eligible for the maximum \$110,000 salary. Although many judges will be at the maximum salary, the reduced number of judges would result in an estimated savings of \$3.3 million annually.

Sections 8 and 9 centralize the budget function of the probate court system within the Probate Court Administration. This is estimated to result in a savings of \$300,000-\$350,000 to the probate court system, and \$135,000 to the Probate Court Administration which currently allocates that amount to annual court audits.

Section 12 eliminates a 4-year retirement credit to probate judges whose districts are merged and who have not been elected subsequently. To the extent that probate judges would have been eligible for and utilized this credit in the future, there is a savings to the Probate Judges' and Employees' Retirement Fund.

The Out Years

The bill results in a reduction of the negative PCAF fund balance beginning in FY 12. Due to the accumulation of projected negative balances from FY 10 to FY 12, however, the bill is not anticipated to result in a positive fund balance until FY 15.

Sources: 2007 Probate Court Financial Data

OLR Bill Analysis**HB 6385*****AN ACT CONCERNING REFORM OF THE PROBATE COURT SYSTEM.*****SUMMARY:**

This bill eliminates the 117 probate court districts and replaces them with 36 districts comprised of the towns or parts of the towns that correspond to the boundaries of state senatorial district (§ 1) (see BACKGROUND). It makes conforming changes relating to probate children's courts and the pilot program for youth in crisis. The bill requires that each judge of probate elected for a term that begins on or after January 5, 2011, must be a member of the bar of the state of Connecticut and must have been a member for at least 10 years. Under current law, probate judges do not have to be attorneys.

The bill requires that a probate court be open to the public to conduct court business at least 40 instead of 20 hours each week, Monday through Friday, on a regular schedule between the hours of 8 a.m. and 5 p.m., and eliminates the probate court administrator's authority to adopt binding regulations concerning the hours of court operation.

The bill changes the way in which probate court judges are compensated by requiring that each probate court judge's salary be set by the probate court administrator based upon the weighted workload of each judge's district, but specifies that no probate court judge may receive an annual salary of under \$80,000 or more than \$110,000. The bill requires the probate court administration to annually review the salary of each probate court judge. (§ 4)

The bill eliminates a process by which any town located in a probate district that desires to (1) consolidate such probate district with one or

more districts, (2) be removed from such probate district to a separate district established for any such town, or (3) be located in another probate district, may petition the General Assembly. It also eliminates the duty of the probate court administrator to assist in these processes.

The bill requires the probate court administrator to establish and maintain a budget for the probate court system, allocate the budgets for each court based upon the court's weighted workload, and ensure that all staff, including judges, who are offered insurance or retirement benefits, works at least 20 hours a week.

This bill eliminates a retirement benefit enhancement to probate judges in office after September 30, 1997, whose probate districts are merged and who are not re-elected after the merger.

Finally, the bill makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2011, except the requirement that probate court judges be attorneys becomes effective October 1, 2009 for elections future elections.

§ 2 — REGIONAL CHILDREN'S PROBATE COURT

Current law requires the probate court administrator, within available resources, to establish a regional children's probate court in a region that consists of the probate districts of: New Haven, Branford, East Haven, Hamden, Milford, North Branford, North Haven, Orange, West Haven, and Woodbridge. In establishing the court, the Probate court administrator must consult with the probate judges of these districts, each of whom may participate on a voluntary basis.

The bill instead requires the probate court administrator, within available resources, to establish a regional children's probate court in a probate district that must consist of, or be adjacent to, one or more of the same towns. In establishing this court, the bill requires the probate court administrator to consult with the probate judge of such district who may participate on a voluntary basis.

§ 3 — PILOT PROGRAM FOR YOUTH IN CRISIS CASES

The bill requires the probate court administrator to establish, within available appropriations, a pilot program in a probate district that includes all or part of Middletown, instead of the probate district of Middletown, to exercise jurisdiction over and administer youth in crisis cases arising in the district in which the youths in crisis are not truants.

§ 4 — PROBATE JUDGE'S COMPENSATION

Under current law, the funding of the probate courts, including the compensation of judges, is derived from the statutory fees charged to the users of the court. From these fees, the judge is required to pay the costs of operating the court, including staff salaries, but excluding the judge's compensation. The net, after payment of those expenses, is applied to a statutory formula that determines the amount of the assessment the judge must pay into the Probate Court Administration Fund, administered by the treasurer. The balance after the assessment, is retained by the judge as compensation. Currently, compensation ranges from under \$10,000 to the maximum which is currently \$110,085. Under current law, the maximum amount a probate judge may receive may not exceed 75% of the compensation of a Superior Court judge.

The bill instead requires that each probate court judge's salary be set by the probate court administrator based upon the weighted workload of each judge's district, but specifies that no probate court judge may receive an annual salary of under \$80,000 or more than \$110,000. The bill requires the probate court administration annually review the salary of each probate court judge.

§ 5 — MINIMUM QUALIFICATIONS

The bill requires that each probate judge elected for a term that begins on or after January 5, 2011, must be a member of the bar of the state of Connecticut and must have been a member for at least 10 years.

§ 7 — TOWNS PROVIDING MINIMUM COURT STANDARDS, AND REQUESTING CHANGES TO THEIR DISTRICT

The law requires the town or towns that comprise each probate district to provide court facilities that meet certain minimum statutory standards. The bill eliminates (1) a procedure by which the probate court administrator may meet with municipal officials in towns that fail to satisfy these standards, and (2) the administrator's authority to waive or modify the application of a certain standard.

The bill eliminates a process by which any town located in a probate district that desires to (1) consolidate such probate district with one or more districts, (2) be removed from such probate district to a separate district established for any such town, or (3) be located in another probate district, may, by resolution of its legislative body, petition the General Assembly for such consolidation, separation, and creation of a new probate district or relocation. This eliminated process requires the probate court administrator to provide assistance in the preparation of the petition as the officials of the towns request, and prohibits the consolidation of a probate district with another district until the expiration of the term of office of any probate judge in an affected probate district.

§ 8 — POWERS AND DUTIES OF PROBATE COURT ADMINISTRATOR REGARDING BUDGETS

The bill requires the probate court administrator to establish and maintain a budget for the probate court system, which must:

1. reflect all costs related to the group hospitalization and medical and surgical insurance plan, dental insurance plan, and retirement benefits for probate judges and employees, and
2. be funded solely by revenue generated by the probate courts.

It also requires the probate court administrator to (1) allocate the budgets for each court based upon the court's weighted workload, and ensure that all staff, including judges, who are offered insurance or retirement benefits work at least 20 hours a week.

§ 9 — BUDGET MAKING PROCEDURES

The law requires the probate court administrator to prepare a proposed budget by April 1 of each year for the fiscal year beginning July 1 for the appropriate expenditure of funds from the Probate Court Administration Fund to carry out the probate court administrator's statutory duties. The bill imposes the same requirement with respect to the duty the bill imposes on the probate court administrator to establish and maintain a budget for the probate court system and for each court based on the court's weighted workload.

The bill imposes the same procedural requirements that currently apply to the proposed budget of the probate court administrator on the proposed budget for the probate court system and for each probate court. Specifically, the probate court administrator must submit a proposed budget to the probate assembly's executive committee for review. This committee must return the proposed budget to the probate court administrator by May 1 together with its comments and recommendations. The probate court administrator must prepare a proposed final budget, including changes recommended by the executive committee as he deems appropriate.

By May 15, the probate court administrator must transmit the proposed final budget to the chief court administrator for approval together with the executive committee's comments and recommendations. The chief court administrator must take whenever action on the budget or any portion of it that she deems appropriate by June 15. If the chief court administrator fails to act by June 15 the budget is deemed approved as proposed.

The law allows the probate court administrator to ask the chief court administrator for the authority to spend additional sums from the Probate Court Administration Fund to respond to anything that could not have been reasonably anticipated during the regular budget process. The law allows the probate court administrator to authorize such expenditures for emergency purposes as long as the aggregate amount of the emergency expenditures for any one fiscal year does not exceed \$5,000.

§§ 11 & 12 — RETIREMENT BENEFIT ENHANCEMENT

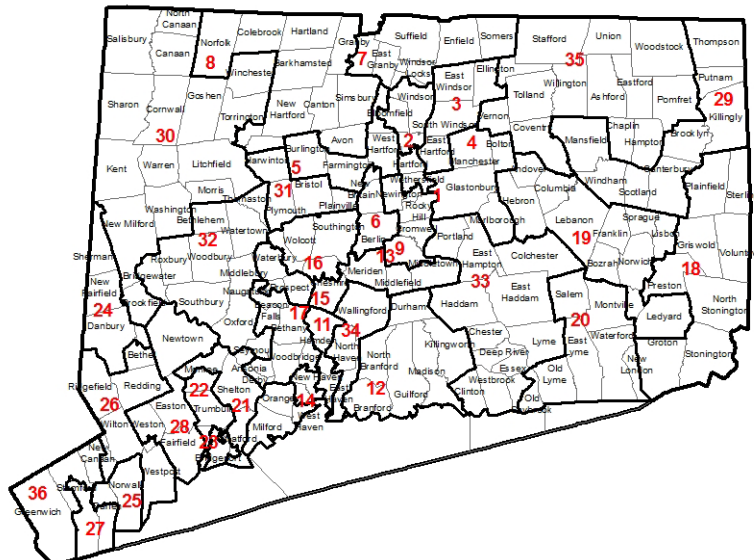
Effective January 1, 2011, the bill eliminates a retirement benefit enhancement to probate judges whose probate districts are merged and who are not re-elected after the merger. Specifically, it eliminates the right of such judges to (1) receive up to four years of credited service, (2) reduce their retirement age up to four years, or (3) elect a combination of these two options totaling not more than four years.

The law allows judges whose credited service began when or after they turned age 60 to retire with less than 10 years of credited service, provided they have served at least one full (four-year) term as a probate judge.

BACKGROUND

State Senatorial Districts

The boundaries of state senatorial districts are set every 10 years based on redistricting. Thus the probate district boundaries could also change. Following is a map showing the current state senatorial districts. Following it is a link that displays this map in a larger format.



A link to this map in a larger format is below.



SenDist2.jpg
(417 KB)

Related Bill — HB 6027

HB 6027, favorable reported by the Judiciary Committee on April 1, alters the way probate court judges are compensated by replacing the current system that is primarily based on court revenue and instead using a system based on population and workload. The new system would become effective January 5, 2011 but would require that for the compensation of judges in office on January 4, 2011, for a term beginning January 5, 2011 and ending January 6, 2015, could not be less than 80% of the average annual compensation the judge received for the three-year period from January 1, 2008 to December 31, 2010.

The bill centralizes more control over the operation of each probate court by requiring the probate court administrator to establish a Probate Budget Committee consisting of the probate court administrator and two probate judges appointed by the probate assembly that must establish (1) a compensation plan, which includes employee benefits, for probate court employees; (2) staffing levels for each probate court; and (3) a miscellaneous office budget for each court. The bill makes them binding on the probate courts.

Concerning probate district consolidation, the bill requires the probate court administrator to establish a planning committee for each of nine probate regions he establishes. It requires the committees to seek opportunities to consolidate probate courts into regional probate districts, and to submit a report to the Judiciary and Appropriations Committees by November 15, 2009 containing its recommendations for creating regional probate districts by January 5, 2011. It also establishes certain retirement incentives for certain probate judges and probate court employees.

It permits Superior Court judges to refer certain appeals from

probate court to special assignment probate judges.

The bill appropriates to the Office of the Probate Court administrator's office from the General Fund, \$4,000,000 for the fiscal year ending June 30, 2010, and \$8,400,000 for the fiscal year ending June 30, 2011, to cover expenses of persons who use the probate court system who are otherwise unable to pay, and for the cost of probate court retirees' health insurance.

Related Bill HB 6625

The Judiciary favorably reported HB 6625 on April, 1. This bill specifies that calculating a judge's minimum compensation by using the average compensation for the three year period may not be used unless there was no break in the judge's service after the three-year period.

Related Bill sHB 6027

Effective January 5, 2011, sHB 6027 eliminates the probate district of (1) Harwinton consisting of the town of Harwinton, and (2) Roxbury consisting of the town of Roxbury. Effective that same date it adds (1) Harwinton to the probate district of Litchfield, which currently consists of Litchfield, Kent, Morris, and Warren; and (2) adds Roxbury to the probate district of Southbury, which currently consists of the town of Southbury. It makes conforming changes concerning the election of the probate judge for the Litchfield and the South Bury probate districts in 2010, and the jurisdiction of those districts effective January 5, 2011.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 31 Nay 6 (04/01/2009)